UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

STEVE MURPHY,) CASE NO. 5:17 CV 1560
Plaintiff,) JUDGE JOHN R. ADAMS
v.))) MEMORANDUM OF OPINION
KEVIN LENART, et al.,) AND ORDER
Defendants.	}

On July 26, 2017, Plaintiff *pro se* Steve Murphy filed this civil rights action against Defendants Kevin Lenart, Gwendolyn Fletcher, Erica Carver, Wooster Community Hospital, Tiffany Green, Wayne County Children Services Board, Michael Rickett, Wayne County Juvenile court, Wayne County Prosecuting Attorneys Office, Wayne County, and Jane and John Does. While the Complaint is unclear, Plaintiff appears to allege Defendants conspired to deprive him of custody of his children after domestic difficulties in Plaintiff's household. In particular, he alleges Defendants were motivated by their disagreement with how Plaintiff was home-schooling the children.

A cause of action fails to state a claim upon which relief may be granted when it lacks "plausibility in the complaint." *Bell At. Corp. v. Twombly*, 550 U.S. 544, 564 (2007). A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief." *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). The factual allegations in the pleading must be sufficient to raise the right to relief above the speculative level on the assumption that all the allegations in the complaint are true. *Twombly*, 550 U.S. at 555. The plaintiff is not required to include detailed factual allegations, but must provide more than "an unadorned, the-defendant-unlawfully-harmed-me accusation." *Iqbal*, 556 U.S. at 678 (2009). A pleading that

offers legal conclusions or a simple recitation of the elements of a cause of action will not meet this

pleading standard. Id.

Federal courts have traditionally deferred to the States in child custody matters. Elk Grove

Unified Sch. Dist. v. Newdow, 542 U.S. 1, 12 (2004) ("[The] Court has customarily declined to

intervene [in] the realm of domestic relations. Long ago we observed that '[t]he whole subject of the

domestic relations of husband and wife, parent and child, belongs to the laws of the States and not

to the laws of the United States.' ")(citing In re Burrus, 136 U.S. 586, 593 (1890)); see also Drewes

v. Ilnicki, 863 F.2d 469, 471-72 (6th Cir.1988) (Court declined to hear plaintiff's case, stating his

complaint was a "mere pretense" for obtaining federal review of the underlying merits of a domestic

relations dispute); In re Chatman, 2007 WL 4365379 (S.D.Ohio Dec. 10, 2007) ("[C]hild custody

is a state law matter.").

Even construing the Complaint liberally in a light most favorable to the Plaintiff, Brand v.

Motley, 526 F.3d 921, 924 (6th Cir. 2008), it does not contain allegations reasonably suggesting he

might have a valid federal claim, or indeed that there is even an arguable basis for this Court's

jurisdiction. This case is therefore appropriately subject to summary dismissal. See, Apple v. Glenn,

183 F.3d 477, 479 (6th Cir. 1999).

Accordingly, this action is dismissed.

IT IS SO ORDERED.

Date: August 16, 2017

/s/ John R. Adams

JOHN R. ADAMS

UNITED STATES DISTRICT JUDGE

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